

REMARKS

Claims 1-26 are currently pending. Applicant respectfully requests that the Examiner reconsider all rejections in the outstanding Office Action in view of the foregoing amendments and the following remarks.

1. 35 U.S.C. § 103(a)

Claims 1-23 stand rejected under 35 U.S.C. 103(a), as allegedly being unpatentable over U.S. Patent No. 6,567,816 to Desai *et al.* ("Desai"), in view of U.S. Patent No. 5,727,159 to Kikinis. *See* Office Action, page 2. Particularly, the Examiner contends the Desai teaches all limitations recited in independent claims 1, 14, and 22 except for "a device [to] display the data." *Id.* In an attempt to cure such a deficiency, Kikinis is introduced as disclosing "a method [to] translate information into a form/format readily usable by a portable computer" *Id.* The Examiner then concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of converting data format to a display in a portable device [as allegedly disclosed by Kikinis] into the system of Desai, because the combination would provide [a] portable computer powered by [an] electrical storage system that [is] able to display different data in different formats into a unique format." *Id.* at page 3. "It also [provides] a way to accomplish relatively sophisticated computer operations with low-end, low-power CPUs." *Id.* Applicants respectfully disagree and traverse the rejection on the following grounds.

Desai teaches a database management method for extracting data from a first database record having a first format for insertion into a second database record having a second format. *See* Desai, abstract. Location information contained in an index definition table (IDT) is employed to identify a location of the data to be extracted from the first record and a corresponding insertion location in the second record. *Id.* These identified locations are encoded into an instruction for automating the repetition of the extraction and insertion steps of data from multiple records in a first format to multiple records of a second format. *Id.* A table definition table (TDT) is employed to define the first and second formats. *Id.* at col. 1, ll. 37-40.

Kikinis teaches a system in which a proxy-server is provided to translate information received from the Internet into a simplified format readily useable by downstream computing devices having limited processing and display capabilities. *See* Kikinis, abstract.

In order to establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143 (citations omitted). In order to support a § 103 rejection based on a combination of references, the Examiner must provide a sufficient motivation for making the relevant combination(s). See M.P.E.P. §§ 2142 and 2143.01; see also *In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998) (“When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references.”). It is well-settled that an Examiner can “satisfy [the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness] only by showing some *objective teaching* in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) (emphasis added); see also *In re Lee*, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002) (“‘deficiencies of the cited references cannot be remedied by the Board’s general conclusions about what is ‘basic knowledge’ or ‘common sense’”). As with rejections based on the modification of a single reference, “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence [of a motivation to combine]’” and thus do not support rejections based on combining references. *In re Dembiczak*, 175 F.3d at 999, 50 USPQ2d at 1617. Without objective evidence of a motivation to combine, the obviousness rejection is the “essence of hindsight” reconstruction, the very “syndrome” that the requirement for such evidence is designed to combat, and without which the obvious rejection is insufficient as a matter of law. *Id.* at 999, 50 USPQ2d at 1617-18.

There is no showing of any objective teaching to combine Desai and Kikinis. The Office action merely states “it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of converting data format to a display in a portable device into the system of Desai, because the combination would provide [a] portable computer powered by electrical storage system that [is] able to display different data in different formats into a unique format” and “a way to accomplish relatively sophisticated computer operations with low-end, low-power CPUs.” These broad, conclusory statements are not sufficient, under the controlling authorities set forth above, to justify combining the teachings of these two references. There is no showing that either of the applied references, or any other prior art, even remotely suggests such a combination.

Applicants further contend that the Examiner's statements for justifying the proposed combination are taken out of the proper context and are unsoundly based. Particularly, the Examiner's statements are apparently taken verbatim from Kikinis. *See Kikinis col. 2, ll. 39-41* ("A particular advantage in embodiments of the invention accrues in use of portable computers powered by electrical storage cell systems . . .") and col. 4, ll. 58-62 (" . . . the techniques of the invention are particularly advantageous when used with portable, battery powered devices as filed units, because they provide a way to accomplish relatively sophisticated computer operations with low-end, low-power CPUs.") (emphasis added). As such, the Examiner is relying on statements directed toward Kikinis' overall system rather than the proposed combination (*i.e.*, Desai plus by one teaching from Kikinis). Because these statements pertain only to two purported advantages of Kikinis' overall system, which doesn't have much, if anything, in common with Desai's system (*e.g.*, a database management system verses a proxy-server system for distributing web pages), Applicants submit that the inclusion of anything less than Kikinis' entire system in Desai renders Kikinis' purported advantages unattainable. Accordingly, these statements do not effectively justify the Examiner's proposed combination. Furthermore, Applicants submit that Kikinis' purported advantage of accomplishing relatively sophisticated computer operations with low-end, low power CPUs is misleading. A better portrayal depicts Kikinis' system as providing a way to accomplish relatively sophisticated computer operations for low-end CPUs using more powerful CPUs to do the processing.

Even assuming, *arguendo*, that a proper motivation to combine exists for the Examiner's proposed combination, Desai and Kikinis do not teach or suggest all of the recited limitations recited in claims 1-23. For example, independent claim 1 provides the following.

1. Apparatus comprising:

retrieval means for retrieving a first set of data from a first predetermined data source, said first set of data being in any one of a plurality of possible formats;

analyzing means for analyzing said first set of data to select a second set of data included in said first set of data;

storing means for storing said second set of data in a data store in a predefined storage format, said storing means including means for formatting said second set of data in said storage format if the format of the first data set is different from said storage format; and

means for recalling said second set of data from said data store and for formatting said second set of data for display on a display device in a

presentation format if said presentation format is different from said storage format. (Emphasis added.)

Desai, as previously discussed, is simply directed toward an automated technique for moving data from one record to another. Desai does not teach or suggest any type of means for recalling the second data record from storage and formatting it for presentation on a display device. Kikinis' proxy-server processes retrieved web pages into a simplified format file (*i.e.*, HT-Lite file) that is subsequently forwarded to a computing device for display. Kikinis, col. 10, ll. 19-35. Kikinis does not teach or suggest storage of the HT-Lite file and consequently, any means for "recalling" it. Accordingly, Desai, either taken alone or in combination with Kikinis, fails to teach or suggest at least a "means for recalling said second set of data from said data store and for formatting said second set of data for display on a display device in a presentation format if said presentation format is different from said storage format" as claimed.

Applicants disagree with the Examiner's assertion that Desai teaches an "analyzing means for analyzing said first set of data to select a second set of data included in said first set of data" as recited in claim 1. *See* Office Action, page 2. As discussed above, Desai simply teaches moving data from a first data record (the Office Actions' alleged "first set of data") to another data record with a different format by using the location information provided in an index definition table (IDT). Contrary to the Examiner's contention, Desai does not analyze the data within the first record itself to select the appropriate fields to be extracted, but instead analyzes the IDT, *i.e.*, information external to the data record, to identify the location of the data within the data record to be extracted and inserted into a second record. *See, for example*, Desai at col. 5, ll. 19-24.

Desai, either taken alone or in combination with Kikinis, also fails to teach or suggest "wherein said retrieval means, said analyzing means, said storing means and said means for recalling all reside and execute on a single device" as recited in claim 2. As noted above, Desai and Kikinis each fail to teach or suggest a "means for recalling" as claimed. Furthermore, Kikinis explicitly describes a two device system. *See* Kikinis, Figures 1 and 2.

In regard to dependent claim 11, Applicants respectfully submit that the Examiner's justification for rejecting it and the claims dependent therefrom is unsoundly based. Particularly, the Examiner contends that "'identifying first, second, [and] third candidates' corresponds to the [identification] of ID, size, [and] resolution of the portable device" as disclosed by Kikinis.

Office Action at page 4. “Based on those parameters, the system of Kikinis will convert the data into a format to be displayed on the identified computer.” *Id.* Thus, the Examiner is apparently construing the “candidates” recited in claims 11-13 as parameters, by which a particular conversion format is based upon. To the contrary, claim 11 recites first, second, and third identifying means “for identifying” a respective first, second, or third “candidate for selection as the second set of data.” Emphasis added. Applicants respectfully submit that Desai, either taken alone or in combination with Kikinis, fails to teach or suggest first, second, and third identifying means for identifying respective first, second, and third candidates for selection as the second set of data as recited in claim 11.

Applicants submit that Desai, either taken alone or in combination with Kikinis, also fails to teach or suggest a first, second, and third “weighting” as recited in claim 12. In fact, the Office Action provides no analysis whatsoever with respect to these particular limitations.

Applicants further submit that Desai, either taken alone or in combination with Kikinis, fails to teach a “means responsive to said selecting means, for altering said first . . . , . . . second . . . , and . . . third weighting” as recited in claim 13. As with claim 12, the Office Action provides no analysis whatsoever with respect to these particular limitations.

Moreover, Desai and Kikinis do not teach or suggest all of the recited limitations recited in independent claim 14, which is pending as follows.

14. Apparatus comprising:

retrieval means for retrieving a first set of data from a first predetermined data source and a second set of data from a second predetermined data source, said first set of data and said second set of data each being in any one of several possible formats;

analyzing means for analyzing said first set of data to select a first subset of data included in said first set of data and for analyzing said second set of data to select a second subset of data included in said second set of data; and

means for displaying said first subset of data and said second subset of data on a display device, said means for displaying including means for reformatting said first subset of data and said second subset of data if necessary for display on said display device. (Emphasis added.)

Again, Desai is simply directed toward an automated technique for moving data from one data record at a single source to another data record. Kikinis is directed to processing a retrieved web page from a single source into a simplified format. Neither reference teaches or suggests retrieving multiple sets of data from multiple data sources (nor the analyzing and displaying of

such) as claimed. Accordingly, Desai, either taken alone or in combination with Kikinis, fails to teach at least a “retrieval means for retrieving a first set of data from a first predetermined data source and a second set of data from a second predetermined data source, said first set of data and said second set of data each being in any one of several possible formats” as claimed.

In addition, Desai and Kikinis do not teach or suggest all of the recited limitations recited in independent claim 22, which is pending as follows.

22. A method comprising the steps of:

retrieving a first set of data from a predetermined data source, said first set of data being in an arbitrary original format;

analyzing said first set of data to select a second set of data included in said first set of data;

storing said second set of data in a data store in a predefined storage format, including formatting said second set of data in said storage format if said original format is different from said storage format; and

retrieving said second set of data from said data store, including formatting said second set of data for presentation in a presentation format if said presentation format is different from said storage format. (Emphasis added.)

As discussed with respect to claim 1, Desai and Kikinis do not teach or suggest retrieving a second set of data from storage and formatting such for presentation. Thus, Desai, either taken alone or in combination with Kikinis, fails to teach at least a “retrieving said second set of data from said data store, including formatting said second set of data for presentation in a presentation format if said presentation format is different from said storage format” as claimed.

Additionally, Desai and Kikinis do not teach or suggest all of the recited limitations recited in independent claim 23, which is pending as follows.

23. A method of retrieving a subset of data from a data collection, said data collection having content which may vary over time, said method comprising the steps of:

assigning a first weighting factor to a first strategy for retrieving a subset of data from said data collection;

assigning a second weighting factor to a second strategy for retrieving a subset of data from said data collection;

assigning a third weighting factor to a third strategy for retrieving a subset of data from said data collection;

determining a first candidate subset of said data collection using said first strategy, a second candidate subset of said data collection using said second strategy, and a third candidate subset of said data collection using said third strategy;

selecting one of said first, second, and third candidate subsets as a result

subset based on said first, second, and third weighting factors;
adjusting said first weighting factor based on whether said first candidate
subset matches said result subset, said second weighting factor based on whether
said second candidate subset matches said result subset, and said third weighting
factor based on whether said third candidate subset. (Emphasis added.)

Applicants respectfully submit that the rejection of this claim is improper due to the Examiner's failure to follow the "the Graham Factual Inquiries" in the consideration and determination of obviousness under 35 U.S.C. § 103. Particularly, the Examiner has failed to provide any analysis whatsoever with respect to the claim limitations directed toward assigning and adjusting first, second, and third weighting factors, and determining and selecting first, second, and third candidate subsets. Many, if not all, of the claim limitations recited in claim 23 do not appear in the preceding claims. Thus, the Examiner's reliance on the purported grounds for rejecting claims 1, 11-14, 22, and 23 is not appropriate to sustain the instant rejection. Nonetheless, Applicants contend that Desai and Kikinis do not teach or suggest the use of weighting factors and candidate subsets as claimed. Moreover, Applicants fail to see the relevancy of Desai and/or Kikinis when applied to any of the recited claim limitations in claim 23.

Applicants submit that the remaining dependent claims not specifically addressed above are patentable at least because they depend from one of independent claims 1 and 14.

For at least these reasons, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness. Applicants maintain that claims 1-23 are patentable over the cited references and as such, the Examiner is respectfully requested to withdraw the rejection of these claims.

2. New Claims 24-26

Dependent claims 24-26 include a limitation directed toward scheduled retrieval times. Although claims 24-26 are contended to be patentable at least for the reasons set for the above with respect to the independent claims for which they depend from, Applicants further submit that Desai and Kikinis fail to teach or suggest scheduled retrieval times.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe anything further is desirable

in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

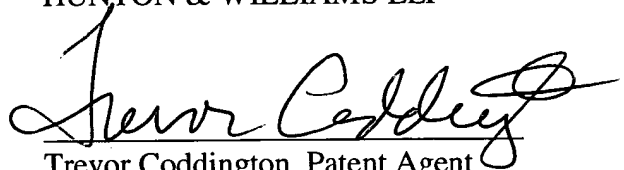
Applicants are submitting herewith an excess claims fee for the entry of the new claims set forth above. No further fee is believed to be necessary for the submission of this Response. Nonetheless, in the event that a variance exists between the amount submitted and that deemed necessary by the United States Patent & Trademark Office to enter and consider the instant Response or to maintain the application pending, please charge or credit such variance to the undersigned's Deposit Account No. 50-1640.

Respectfully submitted,

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